IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12622 of 2004.

Between:

T.Nageswara Rao, S/o. T.S. Prakash Rao,
Patelnagar Second Lane, Behind RCM Church, Bapatla,
Guntur District.

... PETITIONER

AND

1. The Principal, Bapatla Engineering College,
Bapatla, Guntur District.
2. The President, Bapatla Engineering College,
Bapatla.
3. The Convenor, Nagarjuna University, Guntur District, Guntur.

...RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of Mandamus: 1. declare the show cause notice dt. 10-6-2004 as illegal arbitrary & Unconstitutional & set aside the show cause dt. 10-6-2004, 2. to grant all consequential benefits flowing out of Prayer –1, 3. call for the records.

Counsel for the Petitioner: MR.K.SRINIVASA REDDY.

Counsel for the Respondents 1 and 2: None appeared.

Counsel for the Respondent No. 3..: MR.T.S.HARNATH.

The Court made the following:

-

-

-

-

-

-

-

-

-

-

ORDER:

-

The petitioner is an employee under the respondent College. A regular enquiry was conducted against him for unauthorized absence and for his involvement in a criminal case of cheating and misconduct. The Enquiry Officer, through his report dated 24th May, 2004 found the petitioner guilty of both the charges. The concerned authority, after receipt of the enquiry report, issued a final show cause notice dated 10-06-2004 asking the petitioner to explain as to why he shall not be terminated from the service.

The petitioner being aggrieved by the show cause notice approached this court through this writ petition seeking to quash the said notice on the ground that the show cause notice is contrary to the observations of the Enquiry Officer in the Enquiry Report.

The impugned notice is only a show cause notice. The petitioner has every liberty to explain the circumstances under which the punishment proposed by the disciplinary authority is not warranted. The Writ petition is premature.

The writ petition is, accordingly, dismissed by giving liberty to the petitioner to approach the disciplinary authority through his explanation explaining all the circumstances and the Disciplinary Authority may, if necessary, give personal hearing to the petitioner before passing the final order.

16-08-2004.

dvs/dsr